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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,438	04/20/2001	Igor Pankovcin	206582	1728

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EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/839,438	Applicant(s) PANKOVICIN, IGOR	
	Examiner Boris Pesin	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 4-10 and 12-13 are rejected under 35 U.S.C. 102(a) as being anticipated by EAST Search Tool.

In regards to claim 1, EAST teaches a method for presenting categorized information on a computer-enabled user interface, the method comprising: displaying one or more categories for the categorized information (See Figure 1); receiving a user selection of a category of the one or more categories (See Figure 1); independently retrieving data associated with the selected category so that the displayed categories remain responsive to user interaction while the data is being retrieved (See Figures 1-4, when the user presses the refresh button, the data in the "Active" folder is refreshed and the other folders are still accessible (i.e. Figure 3 and Figure 4); receiving a user request for cancellation of the data retrieval; and, in response to the user request, canceling the data retrieval (See Figure 5, if the user presses "Cancel" refreshing for that particular entry will cease).

In regards to claim 2, EAST teaches a method further comprising placing a request for retrieval of the data in a queue (See Figure 2, When refresh is pressed by the user, the contents of the folder are placed into the pending folder (i.e. queue)); and

Art Unit: 2174

processing the request from the queue asynchronously with respect to the displaying step (See Figure 2, The refreshing is done without any synchronization).

In regards to claim 4, EAST teaches a method for presenting categorized information on a computer-enabled user interface, the method comprising: displaying one or more categories for the categorized information (See Figure 1); receiving a user selection of a category of the one or more categories (See Figure 1); independently retrieving data associated with the selected category so that the displayed categories remain responsive to user interaction while the data is being retrieved (See Figures 1-4, when the user presses the refresh button, the data in the "Active" folder is refreshed and the other folders are still accessible (i.e. Figure 3 and Figure 4), receiving a user request to boost the priority of at least one selected category; and in response to receiving the user request, boosting the priority of the at least one selected category (See Figure 5, when the user cancels one task the task right below it moves up in the queues and hence it is boosted in priority).

In regards to claim 5, it is inherent in EAST that it includes a computer readable medium having stored thereon computer executable instructions.

In regards to claim 6, it is inherent in EAST that the displaying step is performed by the main thread and the retrieving step is performed by a worker thread executing asynchronously with respect to the main thread. Without threads the program would be stuck on refreshing and would become unusable. Threads are ~~x~~ necessary to the functionality of EAST. KK

In regards to claim 7, it is inherent in EAST that when the worker thread has finished retrieving the data, it notifies the main thread that the data is available.

In regards to claim 8, it is inherent in EAST that worker thread places retrieved data in a cache, the main thread accesses the data from the cache and displays the data. All software programs place data in a cache. Cache is a necessary part in today's computing software in order to speed up the data retrieval.

In regards to claim 9, it is inherent in EAST that data is obtained from the cache for display on a user interface.

In regards to claim 10, EAST teaches receiving a user request to refresh the display of the data (See Figure 1); it is inherent in EAST that in response to the user request, marking the data in the cache as dirty. Since cache is very limited, one would have to mark it as dirty so other data can be written on top of it.

In regards to claim 12, EAST teaches that categories are displayed as nodes of a graphical hierarchy (See Figure 1).

In regards to claim 13, EAST teaches that the graphical hierarchy is a tree (See Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2174

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over EAST Search Tool in view of Wanderski (US006147687A).

In regards to claim 11, EAST teaches all the limitations of claim 9. East does not teach receiving a user request to display a partially retrieved portion of data; in response to the user request, obtaining the partially retrieved portion from the cache; and displaying the partially retrieved portion of data. Wanderski teaches receiving a user request to display a partially retrieved portion of the data; in response to the user request, obtaining the partially retrieved portion from the cache; and displaying the partially retrieved portion of the data (column 10, lines 20-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify EAST with the teachings of Wanderski and include a method of obtaining partially retrieved data with the motivation to provide the user with more flexibility on how much data the user wants to retrieve.

Claim 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over EAST Search Tool in view of Schneider et al. (US 6785728).

In regards to claim 18, EAST teaches a computer-implemented method for presenting data, the method comprising: executing a first thread for displaying a graphical hierarchy having one or more nodes (See Figure 1). EAST does not teach a method for executing, independently of the first thread, a second thread of execution for retrieving data associated with at least one of the one or more nodes, wherein the second thread retrieves data based on which nodes have been frequently selected by the user. Schneider teaches, "What's Hot 1808 displays the enterprise's most popular information resources, based on how frequently they are accessed." Column 26, Line 17). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine EAST with the teachings of Schneider and include a method for retrieving data based on usage with the motivation to provide faster retrieval times for commonly used items.

In regards to claim 19, EAST teaches a method wherein the second thread retrieves data for populating the hierarchy (See Figure 1).

In regards to claim 20, EAST teaches a method further comprising receiving a user selecting of a node of the one or more nodes, wherein the second thread retrieves data associated with the selected node (See Figure 1).

In regards to claim 21, EAST teaches a method further comprising displaying the retrieved data on a computer screen adjacent to the hierarchy (See Figure 4).

In regard to claim 22, EAST teaches a method further comprising displaying the retrieved data on a computer screen in one pane on a computer screen and displaying the hierarchy on another (See Figure 4).

Art Unit: 2174

In regards to claim 23, it is inherent in EAST that there is a computer-readable medium having stored thereon computer executable instructions for performing the method of claim 18.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4-13, and 18-23 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

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